IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.523 OF 1997

M/s Vishal Machinery Stores, .. Petitioner

Vs

1. The Oriental Insurance Co.Ltd

and ors. .. Respondents

Mr P.S.Dani with Mr N.V.Mhatre, for the petitioner.

Mr V.Y.Sanglikar, for respondent no.1.

CORAM : V.G.PALSHIKAR, Ag.C.J., &

D.B.BHOSALE,J.

DATE : 06.12.2005.

PC:

1. By this petition, the petitioner has challenged the action taken against him under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. Writ Petition No.451 of 1997 challenged the same order. It came up for hearing and was decided by order dated 19.11.2003.

2. The learned counsel appearing on behalf of the petitioner, fairly stated that though the identical petition is dismissed, he desires to argue the question

of limitation arising from the provisions of the Act. However, no such submission was earlier made in that petition. We cannot re-open the whole matter now. We are informed that the order passed by this Court confirming the review by this Court, is pending challenge before the Supreme Court. The remedy for the petitioner is, therefore, to challenge this order also, if he so desires. Hence, the writ petition is dismissed. The interim order to continue for eight weeks.

. Certified copy expedited.